

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

MARQUEZ, ARTHUR L.,  
MARQUEZ, VICTORIA, E.  
Debtor.

Case No. 19-10284-j7

**SANDIA LABORATORY FEDERAL CREDIT UNION'S OBJECTION  
TO TRUSTEE'S FINAL REPORT AND APPLICATION FOR COMPENSATION**

COMES NOW, Creditor Sandia Laboratory Federal Credit Union (the "Credit Union"), by and through its attorneys Aldridge, Hammar & Wexler, P.A., by Ryan Kluthe, and hereby objects to the Trustee's Final Report and Application for Compensation, filed on March 25, 2020, (Doc. No. 59)(hereinafter, the "Report"), noticed together on March 25, 2019 (Doc. No. 60) and as grounds therefore states as follows:

1. The Final Report found that Sandia Laboratory Federal Credit Union's Proof of Claim was not timely filed and therefore would be treated inferior to other unsecured creditors.
2. The governmental claims bar date in the above captioned case was August 10, 2019, which was 180 days from the order for relief (which was February 11, 2019).
3. Sandia Laboratory Federal Credit Union is a Federal Non-Profit Credit Union organized under the laws of the United States of America.
4. The Credit Union's claim was filed on July 22, 2019, which is before the August 10, 2019, claims bar date for governmental instrumentalities (see Proof of Claim No 21).
5. Sandia Laboratory Federal Credit Union is a government instrumentality under 11 U.S.C. § 502(b)(9), and therefore is subject to the governmental claims bar date.
6. "Congress created a system of federal credit union making possible the extension of credit on reasonable terms ordinarily not available to wage earners. Therefore, the FCU's are governmental instrumentalities engaged in the performance of an important

government function.” *In re Trusko*, 212 B.R. 819, 823 (Bankr. D. MD. 1997); *See also*, *United States v. Michigan*, 851 F.2d 803 (6<sup>th</sup> Cir. 1988) (Federal credit unions are federal government instrumentalities); *Tex. Instruments Federal Credit Union v. DelBonis*, 72 F.3d 921 (1<sup>st</sup>. Cir. 1995) (Federal credit unions are a government unit pursuant to 11 U.S.C. § 523(a)(8)).

7. As a governmental instrumentality under 11 U.S.C. § 502(b)(9), the Credit Union’s proof of claim deadline is the same as any other governmental instrumentality. *See In re Trusko*, 212 B.R. 819, 823 (Bankr. D. MD. 1997), (A federal credit union is a government unit pursuant to 11 U.S.C. § 502(b)(9) and it may timely file a proof of claim in bankruptcy any time before the governmental deadline to file a proof of claim has passed.)
8. As a non-profit, federally chartered institution recognized as a governmental instrumentality for purposes of 11 U.S.C. § 502(b)(9), the Credit Union is entitled to have its claim treated as timely filed.
9. Likewise, the Trustee should be denied compensation until the Credit Union’s claim is treated as timely filed under 11 U.S.C. § 502(b)(9).

WHEREFORE, Sandia Laboratory Federal Credit Union requests that the Court order relief as follows:

- A. Deny the Trustee’s Final Report and Application for Compensation;
- B. Hold that Sandia Laboratory Federal Credit Union’s Proof of Claim was timely file;
- C. Order such other and further relief as the Court deems just and proper.

Respectfully submitted,

Aldridge, Hammar & Wexler, P.A.

BY: /s/filed electronically

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In accordance with NM LBR 9036-1 and  
Fed.R. Civ. 5(b)(3), this certifies that  
service of the foregoing document was made on  
the 14th day of April, 2020, via the  
notice transmission facilities of the case  
management and electronic filing system  
of the Bankruptcy Court.

/s/filed electronically/

Ryan Kluthe